



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 4
ATLANTA FEDERAL CENTER
61 FORSYTH STREET
ATLANTA, GEORGIA 30303-8960

ELECTRONIC EMAIL
CONFIRMATION OF EMAIL RECEIPT REQUESTED

AgReserves, Inc. d/b/a Deseret Cattle and Timber
Deseret Ranches of North Florida, LLC
c/o Samuel Brown
Todd S. Mikolop
Hunton Andrews Kurth LLP
2200 Pennsylvania Avenue NW
Washington, DC 20037
slbrown@huntonak.com
tmikolop@huntonak.com

Re: Second Supplemental Information Request Letter 308-2021-06

Dear Mr. Brown and Mr. Mikolop:

This letter is a follow-up to our recent correspondence regarding the responses of your clients AgReserves, Inc. d/b/a Deseret Cattle & Timber and Deseret Ranches of North Florida (collectively "Deseret") to Information Request Letter 308-2020-001 and Supplemental Information Request Letter 309-2021-02. These requests sought information regarding mechanical land clearing and conversion of forested wetlands to pasture and pond excavation conducted on parcels owned by Deseret and compliance during these activities with section 404 of the Clean Water Act (CWA), 33 U.S.C. § 1344.

In the recent correspondence, we informally requested that Deseret provide copies of all videos (including all videos taken by manned or unmanned aerial vehicles that: (a) depict or may depict mechanical clearing and/or site preparation activities taking place on the Site (e.g., blading, disking, stump removal, windrowing, burning, etc.), and/or (b) depict or may depict these areas of the Site after mechanical clearing and/or site preparation activities took place on them. Pursuant to section 308 of the CWA, 33 U.S.C. § 1318, the EPA hereby formally requests that Deseret provide this information as set forth in Enclosure A within twenty-one (21) calendar days of receipt of this letter.

All information submitted in response to this information request must be accompanied by the following certification that is signed by a duly authorized official:

"I certify that I have personally reviewed the information contained in this response to the information request and the response is truthful, accurate, and complete. I further certify that the response to the information request contains all documents responsive to the request. I am aware that there are significant penalties for submitting false information including the possibility of further enforcement under the CWA."

The response and documents should be sent electronically to Mr. Christopher Parker at parker.christopher@epa.gov. Items that cannot be sent electronically should be mailed to:

Mr. Christopher Parker
Water Enforcement Branch
Enforcement and Compliance Assurance Division
U.S. Environmental Protection Agency, Region 4
61 Forsyth Street S.W.
Atlanta, Georgia 30303

Failure to provide a full and complete response to this information request or to adequately justify a failure to respond within the time frame specified above may result in an EPA enforcement action pursuant to federal law, including, but not limited to 33 U.S.C. § 1319 and 18 U.S.C. § 1001.

If Deseret believes that any of the requested information is Confidential Business Information (CBI), it may assert a business confidentiality claim with respect to such information in the manner described by 40 C.F.R. § 2.203(b) but must still provide the information. Information covered by such a claim will be disclosed by the EPA only to the extent, and by means of the procedures, set forth in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.* Please separate documents that you wish to protect as CBI from non-confidential documents. Sending documents claimed as CBI electronically to the EPA is done at the risk of the claimant, as the EPA does not have the capability to encrypt electronic information. The EPA requests that any such information be physically mailed to the address provided. If Deseret does not assert a CBI claim, the EPA may make information submitted under this request available to the public without further notice to Deseret. Additional information regarding the EPA's requirements for confidential treatment of information can be found in Subpart B, Part 2, 40 C.F.R. § 2.201 *et seq.*

If you have any questions concerning this matter, please contact Mr. Tyler Sniff, Associate Regional Counsel at (404) 562-9499 or sniff.tyler@epa.gov.

Sincerely,

Mary Jo Bragan, Chief
Water Enforcement Branch
Enforcement and Compliance Assurance Division

Enclosures

cc: Mr. Robert Halbert, U.S. Army Corps of Engineers, Jacksonville District
Mr. John Truitt, Florida Department of Environmental Protection